



This article was published by F18News on: 22 November 2006

BULGARIA: Ahmadis barred "because it is against the religions that people follow here"

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Bulgaria's small Ahmadi Muslim community is concerned by persistent attempts by a local prosecutor and the national state Religious Affairs Directorate to strip it of its legal status, Forum 18 News Service has learnt. One of the grounds of official Bulgarian hostility is that other countries - such as Pakistan - also attack the religious freedom of Ahmadis, who are considered to be heretical by many Muslims. Public Prosecutor Maria Zoteva told Forum 18 that the community must be closed "because it is against the religions that people follow here," but could not provide any examples of laws broken by the Ahmadi community or its members. Ivan Jeleu, head of the state Religious Affairs Directorate, told Forum 18 - wrongly - that the community had misrepresented itself and also that his office had unspecified "documents" requiring it to view the Ahmadis negatively. "All we want is to be free to meet, talk and pray together," Ahmadi leader Muhamad Ashraf told Forum 18.

Bulgaria's small Ahmadi Muslim community has expressed its disappointment over the attempt by a local prosecutor to strip it of its legal status as a non-commercial organisation, which is now due to reach the court on 8 December. "We are not doing anything unlawful," community leader Muhamad Ashraf told Forum 18 News Service from the south-western town of Blagoevgrad on 21 November. "We respect the laws of Bulgaria and we don't want to disturb anyone else. All we want is to be free to meet, talk and pray together." But prosecutor Maria Zoteva insisted to Forum 18 that the community must be closed down as it has already been denied registration as a religious community and "because it is against the religions that people follow here".

Maria Zoteva of the Blagoevgrad Regional Prosecutor's Office denied to Forum 18 that there was any "persecution" of the Ahmadi Muslim community, but insisted that it is right to deprive them of their legal status and ban their activity. "This is not based on my personal feelings but on the law," she told Forum 18 from Blagoevgrad on 21 November.

Despite repeated requests from Forum 18, Zoteva was unable to point to any criminal act that the Ahmadi Muslim community or any of its members had committed. She refused to say why she believed the community should not be allowed to meet for worship and teaching.

"No-one is persecuting the Ahmadis," Ivan Jeleu, the head of the government's Religious Affairs Directorate in the capital Sofia, claimed to Forum 18 on 22 November. "I'm not against them." But he added that his office had taken action after the Muftiate had alerted it to the fact that the Ahmadi community had gained registration with Blagoevgrad Regional Court in December 2005. Asked why one religious community was able to become involved in the affairs of an unconnected religious community he was unable to answer, but insisted: "This doesn't represent interference by the Muftiate." This is the biggest Muslim organisation in Bulgaria, representing Hanafi Sunnis.

Bulgaria's Ahmadi community tried to gain registration as a religious community, as prescribed in the 2002 Religion Law, at Sofia City Court, but was refused on 8 December 2003 after representations by the Religious Affairs Directorate. The Directorate issued a negative "expert report" on the Ahmadis. Jeleu defended that report, insisting that at that time the Directorate had "documents" which required it to reach that conclusion. He declined to say what documents these were. "There was also the experience of other countries," he added, but declined to identify whether that included Pakistan, which attacks the religious freedom of Ahmadis.

This reasoning parallels that used in undemocratic countries such as Kazakhstan. As Kazakh law Professor Roman Podoprigrora has pointed out, "extremism" legal amendments there allow prosecutors "to close religious communities on the basis of information from the relevant organs of odious regimes" (see F18News 25 February 2005 <http://www.forum18.org/Archive.php?article_id=520>).

After the setback in the Sofia City Court, the Ahmadi community then decided to seek registration as a non-commercial organisation with the Blagoevgrad Regional Court, where one of its biggest congregations is based. The Directorate again opposed registration and the court rejected the application, but the Ahmadis were able to challenge this successfully, gaining registration in December 2005 (see F18News 17 March 2006 <http://www.forum18.org/Archive.php?article_id=745>).

Jeleu of the Religious Affairs Directorate insisted that the Ahmadi community had gained registration in Blagoevgrad by

"submitting misrepresentations over the nature of the activity they intended to perform." This is despite the fact that the Blagoevgrad Regional Court's registration decision (Decision No. 3047) - which Forum 18 has seen - makes it completely clear that the community intended to preach and practice the Ahmadi faith.

Jelev said he could not recall what was in his report about the Ahmadis (Number 02.1b 324) of 12 May 2006, which Prosecutor Zoteva submitted to the Blagoevgrad Court as part of her evidence. He refused to release the text of his report to Forum 18.

On 4 September this year, Zoteva of the Blagoevgrad Regional Prosecutor's Office lodged a suit to the regional court calling for it to revoke the December 2005 registration. In the suit - which Forum 18 has seen - Zoteva claims that the Ahmadi community "performs activity that contradicts the law and is against public order and good morals." She bases this conclusion on the fact that the community had been denied registration as a religion. To support her claim, she says the police have established that one of the community's leaders, Pakistani citizen Rifat Jahan Ara, has been discovered to be an Ahmadi Muslim, a group that is restricted by the laws of Pakistan.

Zoteva also declares that the Ahmadi teaching that the group propagates "considerably differs from the general doctrine of Islam and Muslim practice all over the world". She said that regional police had confiscated several books propounding Ahmadi teachings. Zoteva also cites Article 27 of the Religion Law, which says that only registered religious communities are allowed to create non-commercial entities to promote their faith.

In her appended documentation, Zoteva includes a report of 11 July 2006 from the security service about the presence of a Pakistani citizen and records from the local police about books confiscated from the Ahmadis, as well as the 12 May 2006 report about the Ahmadis from the Religious Affairs Directorate in Sofia.

Ashraf of the Ahmadis told Forum 18 that the first court hearing in response to prosecutor Zoteva's suit had been scheduled for 21 November, but was postponed because the community's lawyer was ill.

Ashraf insisted that the community, which claims some 400 members across Bulgaria, is seeking no greater or lesser rights than any other religious community. "Everyone who lives in Bulgaria should be free to say prayers and believe as they wish, as it says in the Constitution," he told Forum 18.

For the last few days, Ashraf complained, "all the media is publishing news against our community", alleging that Ahmadis are terrorists who have made 10 attacks in the Pakistani capital of Islamabad in the last 80 years, that they have no right to say they are a Muslim community because their registration was refused by a higher court, that they have no right to practice Islam, or teach or preach "Ahmadiyya Islam", because it differs from the teaching of other Muslims. He also complains that the prosecutor has argued in newspapers that this "sect" should not be given freedom to establish itself because it is dangerous for society.

The Ahmadi movement was founded in the late nineteenth century by Mirza Ghulam Ahmad. However, the Ahmadis' belief that he was a prophet has not been recognised by most other Muslims, who regard the group as heretical. In the 1970s the Pakistani government declared the Ahmadis to be non-Muslims and has persecuted the community ever since. In 1984 a new article was added to the Penal Code that banned Ahmadis from referring to themselves as Muslims, preaching or propagating their faith or inviting others to join it. The Bulgarian authorities have cited the Pakistani government's legal measures against the Ahmadis as a reason to restrict their rights also.

Jelev of the Religious Affairs Directorate expressed his disappointment to Forum 18 that the Ahmadis have not been in contact with his office over their problems. "Let them appeal to us - we can sit down and discuss all this," he asserted.

Religious minorities generally welcomed the transfer in the 2002 Religion Law of registration from the Religious Affairs Directorate to local courts, believing that the move would lead to fewer arbitrary refusals. The Sofia Court's denial of registration to the Ahmadi community is seen by most human rights and religious freedom activists as an exception.

However, the controversial 2002 Law inspired complaints from a variety of religious minorities especially over the privileged position in law and practice of the Bulgarian Orthodox Patriarchate, although fines prescribed in the law for preaching without authorisation from a registered religious community have generally not been applied. However, religious minorities complain of continuing arbitrary restrictions and hostility from officials in some local areas (see F18News 17 March 2006 <http://www.forum18.org/Archive.php?article_id=745>).

Ethnic and religious minorities in Bulgaria are worried by the rise in nationalist rhetoric, especially from politicians. The General Assembly of the International Helsinki Federation for Human Rights (IHF), meeting in Sofia on 16-19 November, expressed concern about what it regards as the rise in "anti-minority rhetoric and discrimination" targeting Bulgaria's ethnic and religious minorities and called on the Bulgarian government to ensure that clear instances of hate speech are criminally prosecuted. It complained that the "extremist nationalist party" Ataka (Attack) "openly advocates hostility and discrimination against ethnic and religious minorities" and expressed alarm that its candidate gained second place in the October 2006 presidential elections, gaining more than 24 percent of the vote. (END)

For more background information see Forum 18's Bulgaria religious freedom survey at
<http://www.forum18.org/Archive.php?article_id=745>

A printer-friendly map of Bulgaria is available at
<<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=bulgar>>

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY